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| Book                | Policy Manual                                                                                                                                                                                                         |
| Section             | 4000 - Personnel Certified/Non-Certified                                                                                                                                                                              |
| Title               | Nondiscrimination On The Basis of Disabilities                                                                                                                                                                        |
| Code                | 4118.14                                                                                                                                                                                                               |
| Status              | Active                                                                                                                                                                                                                |
| Adopted             | April 8, 2008                                                                                                                                                                                                         |
| Last Revised        | May 11, 2021                                                                                                                                                                                                          |
| Prior Revised Dates | 05/14/2013; 06/09/2015; (Replaces #4218.14); (Reinstates policy #4118.14; formerly EMPLOYEES AND SECTION 504 OF THE REHABILITATION ACT OF 1973 AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990 - POLICY); |

### **NONDISCRIMINATION ON THE BASIS OF DISABILITIES**

The Board of Education prohibits discrimination against any individual with a disability with regard to recruitment, advertisement and job application procedures; hiring, upgrading, promotion, awarding of tenure, demotion, transfer, layoff, termination, right of return from layoff, employee compensation, job assignments, job classifications, organizational structures, position descriptions, lines of progression and seniority lists, leaves of absence, sick leave or other leaves, fringe benefits or job training.

Federal law defines a person with a disability as one who (1) has a mental or physical impairment which substantially limits one or more major life activities such as, but not limited to, caring for one's self; performing manual tasks walking, seeing, hearing, eating, sleeping, standing, sitting, reaching, lifting, bending, reading, writing, concentrating, thinking, communicating, interacting with others, speaking, breathing, learning or working; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. The Board will afford qualified disabled individuals reasonable accommodations. The Supreme Court of the United States has recognized that individuals with a communicable disease may be considered disabled.

The Board of Education recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents and members of the public who participate in school-sponsored programs. No discrimination against any person with a disability will be knowingly permitted in any of the programs and practices in the school system.

With regard to its employees, the Board specifically prohibits discrimination against any individual with a qualified disability with regard to recruitment, hiring, promotion or advancement, compensation, evaluation, training, or any other aspect of employment within the school system. The Board will afford qualified disabled individuals reasonable accommodations in accordance with state and federal law.

Disabled employees who can no longer perform essential job functions are encouraged to advise their supervisors or administrators of the nature of their disability and which functions cannot be performed. The Board will consider any reasonable suggestions of accommodation that would enable performance of those functions so long as the accommodation will not impose an undue hardship on the operation of the school system. The term "disability" shall be broadly construed. The determination of whether an individual has a disability should not demand extensive analysis.

A person is not qualified to perform his/her duties if his/her medical condition or disability poses a threat to health or safety of individuals in the workplace. Persons, including employees of the district, that feel they may have been discriminated against on the basis of a disability should contact the Director of Pupil Personnel Services.

Employees seeking accommodations for a disability in order to perform essential job functions are encouraged to contact their supervisors or administrators and/or the Director of Pupil Personnel Services. Employees who are interested in requesting or discussing reasonable accommodations for a disability should contact:

**Director of Pupil Services and Special Education**  
**380 Norwich Avenue, Colchester, CT 06415, 860-537-3103**

#### Legal

Connecticut General Statutes 10-209 Records not to be public.

19-581 AIDS testing and medical information.

46a-60 Discriminatory employment practices prohibited.

Federal Law Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

American Disability Act of 1989, 42 U.S.C. 12101 et. seq., as amended by the ADA Amendments Act of 2008

American Disability Act of 1989, 42 U.S.C. 12101 et. seq., as amended by the ADA Amendments Act of 2008

29 CFR, Part 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act, as amended, published in the Federal Register, Vol. 76, No. 58, 3/25/11

Chalk v. The United States District Court of Central California.

Amendments of Americans with Disabilities Act, Title II and Title III, Regulation to Implement ADA Amendments Act of 2008. Federal Register, Vol. 81, No. 155 (28 CFR Parts 35 & 36)

#### Cross References

[0521 - Non-Discrimination Policy \(Community\).](#)

[4112.4 / 4212.4 - Health Examination](#)

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